



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
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April 11, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 3/28/16 regular meeting
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
 - a. (040116-1) The Kittery Town Council moves to receive an update from Duncan McEachern, Town Attorney on the Dineen property.
 - b. (040116-2) The Kittery Town Council moves to approve funding \$15,735 to complete the proposed 2016 Spruce Creek Sampling Project and to authorize an alternative procurement method to select FB Environmental Associates to complete the work.
10. PUBLIC HEARINGS
 - (040116-1) The Kittery Town Council moves to hold a public hearing in accordance with 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts for union increases for salaries/wages and benefits.
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
 - (030316-5) The Kittery Town Council moves to approve an application from Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery for a Special Activity Amusement Permit for The Pointe, 31 Badger's Island West.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

- The Kittery Town Council moves to accept a donation from Kenneth Myron Bonnell in the amount of \$20.00 for the Thresher Memorial Fund

b. (040116-2) The Kittery Town Council moves to approve the disbursement warrants.

c. (040116-3) The Kittery Town Council moves to receive a presentation from the Superintendent of Schools on the FY'17 School Budget.

d. (040116-4) The Kittery Town Council moves to receive a presentation from the Adult Ed Director on the FY'17 Adult Education Budget.

e. (040116-5) The Kittery Town Council moves to give preliminary approval on the FY '17 School Budget and schedule a public hearing on May 9th to adopt the FY '17 School Budget and to schedule the Budget Validation Referendum for June 14th.

f. (040116-6) The Kittery Town Council moves to review and finalize wording on the Warrant Articles for the June 14, 2016 Town Meeting/Secret Ballot Election and make its recommendations on each article.

g. (040116-7) The Kittery Town Council moves to authorize the Kittery Point Fire Association to post road signs at locations in the community and to hang a banner across Rogers Road to advertise their two Ham & Bean Suppers from April 16th through April 24th.

h. (040116-8) The Kittery Town Council moves to authorize the release of funds in the amount of \$3,221.52 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense – Insurance Claims, to pay a vendor for water damage restoration costs incurred by the Kittery Community Center on February 23, 2016. The cost of the damage is less than the deductible amount.

i. (040116-9) The Kittery Town Council move to schedule a public hearing for April 25th in accordance with 6.09 (4) of the Kittery Town Charter to transfer \$20,000 from Administration account #101110-65480 Other Professional Services to a special revenue fund account to be established by the Finance Director.

j. (040116-10) The Kittery Town Council moves to schedule a public hearing for April 25th in accordance with 6.11 (2) of the Kittery Town Charter to approve the extension of the MRI contract for Carol Granfield to expire upon the appointment of a new Town Manager.

k. (040116-11) The Kittery Town Council moves to schedule a public hearing for April 25th in accordance with 6.11 (2) of the Kittery Town Charter to ordain a multi-year contract with Tyler Technologies for accounting software from May 1, 2016 through April 30, 2019.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT



TOWN OF KITTERY

Office of the Town Manager

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cgranfield@kitteryme.org

Carol M. Granfield
Interim Town Manager

Town Manager's Report to the Town Council April 11, 2016

1. **Budget** – We are currently waiting to receive a revised worker's compensation cost, we questioned the initial cost presented, and are also waiting on health insurance costs in order to prepare the budget for presentation. I have been meeting with all of the departments pertaining to their budgets and anticipate we will have the budget ready for presentation to you on May 9.
2. **Rental Property via the Internet** – A question was asked at the last meeting pertaining to some issues of disturbances due to property owners renting their properties online for vacations, etc. The Code Enforcement Officer is still reviewing, however homeowners need to contact the Police when there are such disturbances and the area of the initial complaint did not reveal that there were such complaints made to the police in the past two years. Some communities have proceeded to adopt ordinances to address such rentals and we will continue to review and report to the Council. Then if any further action is desired appropriate information will be provided.
3. **Dispatch** – Progress in continuing with discussion with the communities of Berwick and South Berwick regarding providing dispatch service to them in addition to Eliot which we already provide. Discussions have been ongoing for the past two years and we now have the expanded communications equipment installed, which I would encourage you to stop by and view. I had a very positive meeting with the Town Managers of the community and they have requested agreements now to review and present to their Boards. This regionalized service to additional communities will provide a win/win for all with reduced costs and increased revenue for Kittery. I will keep you apprised of the progress.
4. **Japanese Visitors** – We are moving forth preparing for our Japanese visitors from Aomori Prefecture. I have met with the planning group and discussed the Town's involvement. There will be a welcoming event on Friday night, April 22, at the First Congregational Church in Kittery Point. Councilor White and Chair Beers have indicated they could attend this function. I will be attending another event on Monday morning, April 25 at the school and will welcome and present a gift on behalf of the Town. On Tuesday, April 26 the Town will be holding a luncheon at **KCC** which will include the Japanese adults and town department heads. Councilors are invited, and please inform me if you plan to attend. It will be held at 11:30 – 1 pm.
5. **Police Chief** – The Police Chief Selection Committee was excellent and all agreed by consensus on the top candidates, which I concur. I appreciate the assistance of this talented group and I am now proceeding to move forward. I will inform you as soon as my final process is complete with the selection a new Chief of Police.
6. **Town Council Training Session** – As you know, we have been attempting to have a date scheduled for this training that all Councilors will be able to attend. I may have a date for you to report at the meeting. If not we should have additional discussion, as it should take place as soon as possible.
7. **Grants** – I am pleased to report that we have been awarded two grants from Maine Department of Environmental Protection, each in the amount of \$78,155. The grants are for Stream Crossing Public Infrastructure Improvement Projects for culverts on Payne Road.

8. **Spruce Creek Watershed Improvement Project (SCWIP) 319 Grant** - We have a letter of agreement between the Town and Premium Outlet Partners for installing a low impact design (LID) rain garden and subsurface gravel wetland on property in front of the McDonald's area.

Respectfully Submitted,

Carol

Carol M. Granfield

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2
3 1. Call to Order

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5 Chairperson Beers called the meeting to order at 7:00 p.m.
6

7 2. Introductory

8
9 Chairperson Beers read the introductory.
10

11 3. Pledge of Allegiance

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13 Chairperson Beers led those present in the Pledge of Allegiance.
14

15 4. Roll Call

16
17 Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault,
18 Councilors Frank Dennett, Russell White, Jeffrey Thomson, Judith Spiller, and Kenneth
19 Lemont.
20

21 5. Agenda Amendment and Adoption

22
23 Councilor Dennett requested that original Item 9 be marked as Item 9b and current Item 13n be
24 marked as Item 9a to more accommodate the Finance Director.
25

26 Vice Chairperson Denault requested to move Item 13s to Item 13c.
27

28 Agenda was adopted as amended.
29

30 6. Town Manager's Report

31
32 Town Manager Granfield reviewed her written report.
33

34 She received four proposals in response to the solicitation for construction project management
35 services for the Kittery Community Center East Wing improvements. The proposals ranged from
36 \$30,000 to \$90,000. Two firms were interviewed and as a result DeStefano & Associates, Inc.
37 was chosen.
38

39 A request for proposal was released for Emery Field Multi-Use Fields and Pathways Design
40 Services with a proposal submission deadline of April 20, 2016 at 2:00 PM EST. She has met
41 with about half of all departments to gain a better understanding of their operations.
42

43 Japanese foreign exchange students will be visiting Kittery from April 22, 2016 to April 27,
44 2016. Town Manager Granfield scheduled a meeting on March 29, 2016 with school staff and
45 community to seek any guidance on what agenda schedules, services, or entertainment was
46 offered to those students in the past. She welcomed any suggestions from the Town Council. She
47 added that typically the Town and school did not fund this program. She requested any guidance

for alternative ways to seek funding.

The police selection committee group has been excellent and making great progress toward selecting a qualified candidate.

Town Manager Granfield is working to organize and build continuity of internal operations to ease the transition process for any new employee. That includes improving the process for Request for Information or Freedom of Information for the Town Clerk.

Pamela Plumb informed Town Manager Granfield the 4-hour council training could be administered on Saturday mornings, Monday evenings, and possibly Tuesday evenings. She confirmed availability on:

- Saturday, April 9, 2016
- Monday, May 16, 2016
- Any Tuesday, based on room availability

The training is geared towards the seven councilors plus the town manager and would be listed as a public workshop. She requested the Town Council's preferences for training dates.

Town Manager Granfield asked the Council their plan for recruitment of a new Town Manager to include what direction it will be sought and when to proceed.

In regards to tax lien properties, Town Manager Granfield suggested to consider writing off outdated tax bills because after a certain date they would not be collected.

Councilor Thomson noted the Japanese students are arriving the week of school vacation. Town Manager Granfield added that the superintendent did relay the message this was poor timing. She suggested in the future their trip dates be scheduled outside a vacation week and school examinations. Councilor Thomson mentioned that Council involvement was very minimal in years past. Town Manager Granfield questioned how the program was founded and Councilor Thomson responded that Judy and Mori Mitsui, Kittery residents, helped found the program. Councilor White added that Shapleigh teachers and community members collaborated to initiate this effort. He offered to attend the welcome dinner scheduled for this year to represent the Town Council. Chairperson Beers planned on attending the Saturday ceremony as well. He was surprised to learn that funding for this program is solely voluntary and asked that the Town Manager research the possibility of using Town discretionary funds to sponsor the program in part.

After discussion amongst the Town Council, it was requested that confirmed availability for the Plumb training session on any Tuesday be provided by e-mail and fax.

Chairperson Beers asked the Council whether the discussion of town manager replacement be postponed until the training or addressed in a future agenda. Vice Chairperson Denault suggested that the process be started as soon as possible. Councilor Spiller suggested that the council training be conducted and then used as the foundation for determining the plan for town manager replacement. Councilor Thomson concurred with Councilor Spiller and noted his understanding was this discussion would begin after the budget season concluded. Chairperson Beers responded to Town Manager Granfield that this topic be postponed until after the training is conducted.

Councilor White expressed the budget is top priority. Other priorities he identified included the search for a new Chief of Police renovations at the Kittery Community Center, ongoing projects under active contract management, Emery field, and more.

Vice Chairperson Denault added to Councilor White's recommendations to consult with Randy Buccini on Channel 22 initiatives identified by former Town Manager Puff.

Chairperson Beers asked that the Sewer Betterment Fee issue be clarified so that those involved have a better understanding of what that entails.

7. Acceptance of Previous Minutes

Town Council Meeting Minutes 3/14/2016

Hearing no corrections; the minutes were adopted, as amended. Councilor Lemont requested that the record reflect his abstention as he was not present for that meeting.

8. Interviews for the Board of Appeals and Planning – None.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

a. (030316-19) The Kittery Town Council moves to authorize the acceptance of funds in the amount of \$3,424.08 from USAA General Indemnity Co. and to appropriate said funds to be paid out of account #101740-68427 Expense Self-Insurance Claims, to pay the costs associated with damage to the pedestrian crosswalk signal at the intersection of Whipple Road and Woodlawn Ave occurring on February 5, 2016.

Ms. Cindy Saklad, Kittery Finance Director, noted her memorandum addressed the purpose for the proposed motion as it pertains to an outside insurance agency paying for insurance damages. She requested guidance on whether it is appropriate to bring forth this type of action and entertained any questions.

Councilor Dennett stated his understanding of Ms. Saklad's memorandum to expense outside insurance claims into the Expense Self-Insurance Claims account and no Council action would be necessary. The standard deductibles would have to be appropriated from surplus, and then be handled by the Finance department. This could all be managed internally which expedites the current process. The Council concurred with this notion.

A MOTION WAS MADE BY COUNCILOR DENNETT TO APPROVE CURRENT AGENDA ITEM 9A, SECONDED BY COUNCILOR THOMSON. MOTION CARRIED 7/0/0 BY VOICE VOTE.

b. (030316-1) The Kittery Town Council moves to receive a presentation from Forrest Bell of FB Environmental Associates on the 2016 Spruce Creek Sampling Proposal.

Mr. Bell's presentation included the following statements:

- The content in the one-page fact sheet provided was covered in the presentation.
- The 2016 Spruce Creek Sampling Proposal handles the 10-square mile Spruce Creek watershed which makes up half the Town of Kittery. Its outlet flows into the Piscataqua River.
- Mr. Bell explained why the proposal is necessary. Spruce Creek is federally-listed as impaired due to Nonpoint Source (NPS) pollution. As a result, a marine fishery has been compromised. The federal government and Maine DEP could begin to pressure the Town and other stakeholders to put the creek into attainment. The work of Mr. Bell's team has been working toward that goal.
- He identified the main problem to be bacteria due to several human factors.
- Mr. Bell recalled the Council gave his team a charge to return the results of their findings. He presented the following diagnostic tests that took place to address the NPS pollution:
 - Since 2009, both action and baseline oriented monitoring has been conducted to detect hotspots in streams and outfalls.
 - DNA testing and canines have helped to identify the human-only factors attributing to the bacteria. Main channel readings of water quality have been captured every 30 minutes since 2012.
 - Physical NPS pollution surveys were completed in 2005 and 2013.
 - The Watershed Management Plan was updated in 2014.
 - Smoke and dye testing in sewers and storm waters was conducted in 2013.
 - A septic and sewer database and priority risk mapping was updated in 2016 to identify potential septic failures.
- Mr. Bell explained how his team is currently addressing the issues as follows:
 - The team worked with Maine DEP to obtain 319 grants to execute Phase 4. Total Grant Funds of \$225,300 originated from US EPA and coordinated by Maine DEP. The total match from Town and citizen volunteers amounted to \$322,118 and over 4,700 volunteer hours have been recorded.
 - 319 Grant Restoration resulted in 64 different projects installed to test best management practices. About 5 tons per year of sediment was prevented from going into the land from the creek. Phosphorus and nitrogen levels were reduced by 5 and 15 pounds per year, respectively. Each year, 567 billion bacteria colonies were eliminated.
- Mr. Bell noted the results of the 2015 water quality monitoring as follows:
 - Fecal indicators were derived from an analysis of DNA sampling. Picott Road showed only bacteria from goose fecal matter. Chicory Creek recorded human markers. Manson Avenue recorded human and canine markers.
 - Data loggers deployed in the main channel revealed dissolved oxygen levels consistent with previous years, which often is a result of excess nutrients.
- The 2016 proposal focuses on the following efforts:
 - To build continuity in data collection, especially within the main channel. It is easiest to make predictions based on a 30-40 year data set.
 - To further research other potential sources for pollution. This includes testing for bovine DNA and agricultural runoff on Picott Road and testing the upstream cross connections considering the January 2016 Kittery Wastewater Department investigation.
 - To monitor the impact of extending the Chickering Creek sewer line.
- The 2016 proposal costs \$5,000 less than the 2015 proposal. He reiterated the "tracking

and remediating pollutants in the Spruce Creek watershed will be an ongoing effort to ensure public safety, economic well-being, and environmental health”.

- He thanked all the partners and resources provided that supported his team’s efforts.

Vice Chairperson Denault asked when the last grant was received for solely Kittery. Mr. Bell responded in Fall of 2015. He confirmed to Vice Chairperson Denault that the match grant consists of volunteer hours.

Vice Chairperson Denault asked if the Planning Board’s requirements could have contributed to the positive findings of Mr. Bell’s team. Mr. Bell responded in the affirmative and noted that the results are a cumulative impact.

Vice Chairperson Denault expressed his concern that the presentation did not present any drastic changes since previous years. He asked if Mr. Bell’s team considered the swamps feeding into the Picott Road field that may have resulted in the goose markers. Mr. Bell noted that this hypothesis was tested, but he could not attest to geese being the only source.

Vice Chairperson Denault asked if Stanley Tanger, Ram Management, Kittery Trading Post, Robert’s Maine Grill and The Weathervane have been contacted regarding the work performed this year. Mr. Bell was unsure if all those businesses have been contacted this year.

Councilor Lemont expressed his understanding that the goal is to open and regenerate the clam flats of Spruce Creek. His concern is in a best case scenario the resolution would occur in two years because the Town of Portsmouth is moving from a primary to secondary sewage plant. The DMR reported that the water is clean and is ready for harvesting clams, but no action can take place until the City of Portsmouth finalizes their sewage plans. Councilor Lemont asked if Mr. Bell’s organization could provide any credence to the City of Portsmouth to support the Shellfish Conservation Committee’s arguments to that situation. Mr. Bell noted he sits in the Piscataqua Region Estuaries Partnership and recommended that a representative attend the next Kittery Shellfish Conservation Committee meeting to express their views. He expressed his personal viewpoint that pollution is coming from both the watershed and also back flushing from the treatment plants.

Councilor Lemont asked how Mr. Bell’s team was able to remove 5 tons of sediment. Mr. Bell responded that they trapped the most contaminated areas and directed the infiltration into the ground since the soil can treat the pollutants naturally. He noted that the Department of Public Works and both private and public land owners have helped to construct the setups.

Councilor Spiller realized human waste is likely due to failed septic systems, but asked where the canine markers could have come from. Mr. Bell responded that it could come from lack of canine waste removal.

Chairperson Beers expressed his satisfaction with the progress of reducing the sediment and pollutants in Spuce Creek since 2009. He noted that the 2016 proposal be incorporated into a future agenda item for Town Council approval.

10. PUBLIC HEARINGS

236

237 a. (030316-2) The Kittery Town Council moves to hold a public hearing and hereby ordains an
238 amendment to Title 13 Sewer Service System of the Kittery Town Code.

239

240 Chairperson Beers opened the floor for public hearing; seeing none the public hearing was
241 closed.

242

243 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO ORDAIN AN**
244 **AMENDMENT TO TITLE 13 SEWER SERVICE SYSTEM OF THE KITTERY TOWN**
245 **CODE, SECONDED BY COUNCILOR LEMONT. ROLL CALL TAKEN WAS ALL IN**
246 **FAVOR. MOTION CARRIED 7/0/0.**

247

248 b. (030316-3) The Kittery Town Council moves to hold a public hearing on an application from
249 Kittery Trading Post Shops, LLC, 301 US Rt. 1, Kittery, Maine for a Victualer's License for The
250 Lobster Pot, 301 US Rt. 1.

251

252 Chairperson Beers opened the floor for public hearing; seeing none the public hearing was
253 closed.

254

255 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
256 **APPLICATION FROM KITTERY TRADING POST SHOPS, LLC, 301 US RT. 1,**
257 **KITTERY, MAINE FOR A VICTUALER'S LICENSE FOR THE LOBSTER POT, 301**
258 **US RT. 1, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN**
259 **FAVOR. MOTION CARRIED 7/0/0.**

260

261 c. (030316-4) The Kittery Town Council moves to hold a public hearing on an application from
262 Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery for a Victualer's License for The Pointe, 31
263 Badger's Island West.

264

265 Chairperson Beers opened the floor for public hearing.

266

267 Edward Beevers, 27 Badger's Island West

268 Mr. Beevers commented his opposition of approving both applications from Maine Ocean
269 Lobster, LLC, on behalf of three other residents in his neighborhood. He felt that traffic
270 increased and parking was limited once The Weathervane restaurant had opened. He asked that a
271 parking and traffic study be considered during the summer months that the restaurant would be
272 open.

273

274 Mary Karalekas, 27 Badger's Island West

275 Mr. Karalekas noted she lives in the same condominium association as Mr. Beevers. She noted
276 that when The Weathervane restaurant opened they expressed their concerns for parking since
277 only 29 spaces were made available. Her other concern was deep fryer grease vented towards the
278 condominium units. The entertainment will bother the residents. The rules state the decibel levels
279 from 7:00 AM – 9:00 PM not to exceed 55 dbs. and from 9:00 AM – 7:00 PM not to exceed 45
280 dbs. Acoustic or amplified music would have to be vetted through the union.

281

282 Chairperson Beers closed the public hearing

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APROVE THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY FOR A VICTUALER'S LICENSE FOR THE POINTE, 31 BADGER'S ISLAND WEST, SECONDED BY COUNCILOR THOMSON.

Vice Chairperson Denault reviewed the complaints from Portsmouth with noise from fireworks and Prescott Park and determined that proper safeguards are in place for Code Enforcement to reinforce the town ordinance.

Councilor Thomson asked if extension of hours would require consideration by Planning Board or Board of Appeals under Expansion of Use. Chairperson Beers confirmed that according to Maine Law Court case law adding hours or days is not considered an Expansion of Use.

Councilor Thomson added that traffic and parking issues may not be solely and directly related to The Weathervane restaurant.

ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

d. (030316-5) The Kittery Town Council moves to hold a public hearing on an application from Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery for a Special Activity Amusement Permit for The Pointe, 31 Badger's Island West.

Chairperson Beers opened the floor for public hearing; seeing none the public hearing was closed.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPROVE THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE POINTE, 31 BADGER'S ISLAND WEST, SECONDED BY COUNCILOR LEMONT.

Councilor Dennett requested that the Planning Board review the applicant's seating and parking plans.

Vice Chairperson Denault felt that the Code Enforcement inspection determined it is in compliance with Town Code.

A MOTION WAS MADE BY COUNCILOR DENNETT TO REMAND THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE POINTE, 31 BADGER'S ISLAND WEST TO THE CODE ENFORCEMENT OFFICER FOR FURTHER REVIEW, SECONDED BY COUNCILOR THOMSON.

Councilor Thompson concurred with Councilor Dennett's statement and additionally asked that live music be held inside the establishment to provide a sound barrier. He questioned the deck's ability to handle the proposed activity.

Chairperson Beers concurred with Councilor Thomson, but noted that decibel levels are enforceable. It is unlikely that a live, outdoor band could achieve the 55 dbs. requirement.

Vice Chairperson Denault noted that The Weathervane restaurant did obtain special permits in the past to host events of this nature and is in support of the previous motion.

Councilor Lemont did not feel it is appropriate to question the Code Enforcement inspection.

Councilor Thomson emphasized that the motion only requests more information.

Councilor Lemont asked when this information could be earliest available. Chairperson Beers suspected the information would be available before April 11, 2016 Town Council meeting.

ROLL CALL WAS TAKEN WITH COUNCILOR WHITE, COUNCILOR LEMONT, AND VICE CHAIRPERSON DENAULT OPPOSED. MOTION CARRIED 4/3/0.

e. (030316-6) The Kittery Town Council moves to hold a public hearing on an application from The Dance Hall, 7 Walker Street, Kittery for a Special Activity Amusement Permit for The Dance Hall, 7 Walker Street.

Chairperson Beers opened the floor for public hearing; seeing none the public hearing was closed.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT THE APPLICATION FROM THE DANCE HALL, 7 WALKER STREET, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE DANCE HALL, 7 WALKER STREET, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

11. DISCUSSION

a. Discussion by members of the public (three minutes per person).

Willie Goodson, Martin Road

Mr. Goodson received a bill along with 152 of his neighbors which amounted to an average \$18,000 in individual sewer betterment assessment fees. He couldn't recall in the original voting a statement requiring the homeowner's responsibility for sewer betterment costs. He expressed his opinion that these fees are wrong and imposes financial hardship to several of the residents at lcharge. He felt that the 10-year payment plan does not help the situation since it equates to payments per month of about \$180. He questioned why the Town of Kittery is not fully responsible for costs he considers to be Town improvement.

Mr. Goodson provided a letter to Town Council composed by the association of the homeowners and invitation to the association's next meeting.

Jim Forbes, Mill Pond Road

Mr. Forbes recited excerpts from Normal Albert's, Commissioner of Kittery Public Works, cover

letter which endorsed the efforts of FB Environmental Associations. He noted that last year Councilor Denault requested more data and Councilor Thomson asked if an endpoint was foreseen. Mr. Forbes wondered what kind of science does not include trend data. He asked if the water and shellfish is more or less polluted than in years past and where the data lies to support those answers. He asked if the identified areas of serious pollutants have been fixed yet. He asked whether there have been reported sicknesses from the shellfish from the pollution.

George Dow, Bartlett Road

Mr. Dow's statement addressed Item 13l regarding Wood Island sub-committee appointment. He encouraged Chairperson Beers to have a working group with Councilor Spiller and Councilor White based on 4/3/0 vote to proceed with the concession agreement. The town attorney was not given the opportunity to raise his concerns.

Mr. Dow believed that Chairperson Beers inadvertently separated himself from seeing the matter fairly. He encouraged Chairperson Beers to consider that prior to making a decision.

Don Gagnon, 33 Pinkhams Lane

Mr. Gagnon statement addressed Item 13c regarding Fort Foster Passes for Kittery school employees. He mentioned the school employees were excited and appreciative to find the topic became an agenda item. He thanked Vice Chairperson Denault for initiating that action. Mr. Gagnon felt it is a luxury for Town employees and should be for school employees as well.

Mr. Gagnon expressed his concern that residents are soliciting their homes for 1-3 night stays resulting in serious parking issues. He witnessed one evening roughly 30 cars parked near his home. He has not contacted Code Enforcement personally since he would rather open the discussion up to public forum. He felt this issue will continue to worsen and that other residents have been told by Code Enforcement it is not in their purview to be addressed.

Niles Pinkham, 25 Pinkhams Lane

Mr. Pinkham's statement advocated Mr. Gagnon's stance. He noted that traffic has become dangerous and noise levels have increased on these occasions. He sought guidance from Code Enforcement and was told they had larger issues to handle. He is concerned that the homes are advertised to sleep 20 people at \$400 per night which is only encouraging boisterous parties instead of families for longer stays.

b. Response to public comment directed to a particular Councilor – None.

c. Chairperson's response to public comments

Chairperson Beers requested that Mr. Forbes provide a written list of his questions and that Town Manager Granfield work with FB Environmental Associates and Mr. Albert to formulate a response to Mr. Forbes' questions.

Chairperson Beers responded to Mr. Dow that it is evident in the work group proposal what he authored as his opinion to establish three positions: Chairperson of the Town Council, President of the Wood Island Life Saving Station Association and the National Parks Service Program Manager. This work group would meet and examine issues, then report back to their respective

bodies. It is nothing more than examination and an information gathering effort with results to be reviewed by the concerned parties.

Chairperson Beers noted that school Fort Foster passes is on the current agenda.

Chairperson Beers responded to Mr. Gagnon that over a year ago he advised Mr. Pinkham of various violations the circumstances represent in the Pinkhams Lane neighborhood which are clearly code enforcement issues. Chairperson Beers asked Town Manager Granfield to examine the issues with the Code Enforcement and Police Department to ensure the advertised homes have an approved inn use permit by the Kittery Planning Board.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition. – None.

b. (030116-5) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$148,863.10. Sewer account payable of \$14,167.78. School accounts payable of \$313,007.03. Total of all disbursement warrants of \$476,037.91. Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont stated that the School warrants are in order.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 7/0/0.

c. (030316-24) The Kittery Town Council moves to discuss providing Fort Foster stickers to School employees.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO DISCUSS PROVIDING FORT FOSTER STICKERS TO SCHOOL EMPLOYEES, SECONDED BY COUNCILOR SPILLER.

Councilor Thomson felt this process should follow the appropriate channels. The Town Code states the Town is to provide one free annual pass to Fort Foster to employees. He reminded that the Town Code applies to only municipal government. He noted that the attachment accompanying the agenda item is directed towards the Horace Mitchell Primary School which does not encompass all Town of Kittery school employees. He added that it is unsuitable precedent to action in response to a petition. He proposed that school employees approach the school committee to unanimously vote on requesting a Town Council agenda item.

Chairperson Beers noted that the motion called for only discussion of the topic.

Councilor Dennett cited two sections of the Town Code:

- Title 2.3.17.20 Use of Facilities. The Town is to provide employees with one free annual

pass to Fort Foster.

- Title 2.3.3 Scope and Coverage. A. The provisions of the personnel classification and compensation plan apply to all positions in the Town except as follows: 2. Employees under the control of the school committee;

Councilor Dennett felt that any action granting school employees a free annual pass to Fort Foster would be illegal under the personnel ordinance.

A MOTION WAS MADE BY COUNCILOR THOMSON TO POSTPONE ANY ACTION ON PROVIDING ONE FREE ANNUAL PASS TO EACH SCHOOL EMPLOYEE UNTIL SUCH TIME COMMUNICATION IS RECEIVED FROM KITTERY SCHOOL COMMITTEE, SECONDED BY CHAIRPERSON BEERS.

Vice Chairperson Denault drafted this agenda item and included correspondence from one school out of three received. He agreed with the merits of Councilor Thomson and Councilor Dennett, but felt that the situation has changed over time. In his experience, he has witnessed J1 students, military members, and part-time Town employees receive free Fort Foster passes. He interpreted the Town Code to read free annual Fort Foster passes be provided to all employees, not specifically municipal. The school department employees are paid for by the Town of Kittery. He recognized both viewpoints of the argument. Vice Chairperson Denault felt it wouldn't impose disservice for the Council to amend the Town Code and in the interim provide this benefit to the school employees.

Councilor Lemont served on the school committee and saw that every year free passes were requested, but could not be granted without Town Council approval. It was not a top priority in the school committee budget to fund the passes, but he emphasized that this did not negate the desire for it. He asked whether the ordinance directly prohibits the school employees. Councilor Dennett reiterated Title 2.3.3.

Councilor Dennett added that exceptions to Title 2.3.3 included all elected officials and members of boards and commissions; and positions which involve seasonal or part-time employment. He welcomed any change in this ordinance.

Councilor Thomson agreed with Councilor Dennett that a public hearing be scheduled to amend the Town Code. He proposed a more expeditious alternative solution for the Town Manager to suggest to the superintendent a request be made from the school committee.

Vice Chairperson Denault asked if the ordinance noted an exception for J1 students. Councilor Dennett responded in the negative.

Councilor White felt two possible courses of action had been identified and suggested to proceed with voting.

ROLL CALL WAS TAKEN WITH VICE CHAIRPERSON DENAULT OPPOSED. MOTION CARRIED 6/1/0.

Councilor White thanked Vice Chairperson Denault for reinstating the agenda item.

d. (030316-8) The Kittery Town Council moves to approve an application from Kittery Trading Post Shops, LLC, 301 US Rt. 1, Kittery, ME for a Malt and Vinous Liquor License for The Lobster Pot, 301 US Rt. 1.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM KITTEY TRADING POST SHOPS, LLC, 301 US RT. 1, KITTEY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR THE LOBSTER POT, 301 US RT. 1, SECONDED BY VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

e. (030316-9) The Kittery Town Council moves to approve an application from Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for The Pointe, 31 Badger's Island West.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTEY, ME FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE POINTE, 31 BADGER'S ISLAND WEST, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

f. (030316-10) The Kittery Town Council moves to approve a renewal application from Badger's Island Pizza, LLC, 30 Remicks Lane, Kittery, ME for a Malt and Vinous Liquor License for Badger's Island Pizza, 3 Island Ave.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM BADGER'S ISLAND PIZZA, LLC, 30 REMICKS LANE, KITTEY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND AVE, SECONDED BY VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

g. (030316-11) The Kittery Town Council moves to approve amending the current Liquor License for Tributary Brewing Co., LLC, 5 Winding Brooke Ln., South Berwick, ME doing business as Tributary Brewing Co., 10 Shapleigh Road, Suite A, to extend service of beer to a permanent deck adjacent to the building.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AMENDING THE CURRENT LIQUOR LICENSE FOR TRIBUTARY BREWING CO., LLC, 5 WINDING BROOKE LN., SOUTH BERWICK, ME DOING BUSINESS AS TRIBUTARY BREWING CO., 10 SHAPLEIGH ROAD, SUITE A, TO EXTEND SERVICE OF BEER TO A PERMANENT DECK ADJACENT TO THE BUILDING, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

h. (030316-12) The Kittery Town Council moves to authorize the Kittery Trading Post to hold three special events at their facility for their 2016 "Summer Concert Series" from 6:00 pm to 9:00 pm on August 5th, 19th and 26th.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY TRADING POST TO HOLD THREE SPECIAL EVENTS AT THEIR FACILITY FOR THEIR 2016 "SUMMER CONCERT SERIES" FROM 6:00 PM TO 9:00 PM ON AUGUST 5TH, 19TH AND 26TH, SECONDED BY COUNCILOR WHITE.

Councilor Dennett questioned why the agenda item and two following items exist since to his knowledge no requirement stands in State Law, Town Charter, or Town Code for the Town Council to authorize or reject these types of events on private property. He submitted that the items are not the purview of the Town Council.

Councilor Thomson asked if this could be considered sidewalk sales which are approved by Town Council. Councilor Dennett responded in the negative. Chairperson Beers yielded to Councilor Dennett's statement.

COUNCILOR THOMSON PULLED THE MOTION, SECONDED BY COUNCILOR LEMONT. THIS ITEM WAS WITHDRAWN FROM THE AGENDA BECAUSE NO ACTION WAS NECESSARY.

i. (030316-13) The Kittery Town Council moves to authorize the Kittery Trading Post to hold a special event on June 11, 2016, until approximately 7:00 pm, to allow the State of Maine Inland Fisheries and Wildlife to hold its Moose Hunting Lottery.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BECAUSE NO ACTION WAS NECESSARY.

j. (030316-14) The Kittery Town Council moves to authorize Bob's Clam Hunt to hold a special event under a tent on the lawn of the Kittery Trading Post on Thursday, June 9th between the hours of 5:00 pm and 9:00 pm to celebrate the 60th Anniversary of Bob's Clam Hut.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BECAUSE NO ACTION WAS NECESSARY.

k. (030316-15) The Kittery Town Council moves to authorize the Kittery Fire Station Association to post road signs at locations in the community to advertise the Annual 5K Road Race on Saturday, May 21st and Sunday May 22nd, 2016, and to hang a banner across Rogers Road advertising the 5K Road Race and a banner on York Hospital's outside wall on the corner of Walker Street and Route 1 to advertise both events from May 1st through May 22nd.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY FIRE STATION ASSOCIATION TO POST ROAD SIGNS AT LOCATIONS IN THE COMMUNITY TO ADVERTISE THE ANNUAL 5K ROAD RACE ON SATURDAY, MAY 21ST AND SUNDAY MAY 22ND, 2016, AND TO HANG A BANNER ACROSS ROGERS ROAD ADVERTISING THE 5K ROAD RACE AND A BANNER ON YORK HOSPITAL'S OUTSIDE WALL ON THE CORNER OF WALKER STREET AND ROUTE 1 TO ADVERTISE BOTH EVENTS FROM MAY 1ST THROUGH MAY 22ND, SECONDED BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 7/0/0.

1. (030316-16) The Kittery Town Council moves to appoint a Wood Island sub-committee.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPOINT THE WOOD ISLAND SUB-COMMITTEE AS PRESENTED IN THE REPORT TO COUNCIL (RTC) DATED MARCH 15, 2016, SECONDED BY COUNCILOR WHITE.

Councilor Dennett asked to identify the members of the sub-committee. Chairperson Beers noted that the working group sub-committee would be comprised of the Chairperson of the Town Council, President of the Wood Island Life Saving Station Association and the National Parks Service Program Manager dedicated to examine, collect information and report to respective bodies as mentioned in response to public comment. Councilor Dennett expressed his concern that this council does not have authority to appoint the National Parks Service Program Manager to the sub-committee.

Councilor Thomson referenced the Wood Island Life Saving Station repair agreement dated October 18, 2013 when he requested WILSSA to follow through with the plan before discussing forward direction. Instead, the expected positive event for the community has turned muddled and personalized. The Wood Island Life Saving Station response to the January 25, 2016 Town Council Meeting voting satirized the three opposed voters. He felt legal and Town guidance was dismissed in the document submitted to NPS. The document was rejected and Wood Island Life Saving Station Association publicly announced the Town Manager's withholding of information to be the cause. Councilor Thomson felt that the President of the Wood Island Life Saving Station influences any situation in the President's favor.

A MOTION WAS MADE BY COUNCILOR THOMSON THAT ANY FURTHER ACTION OF FUTURE REPAIR OR CONCESSION AGREEMENT BETWEEN THE TOWN OF KITTERY AND WILSSA BE POSTPONED UNTIL THE ACTIONS SPECIFIED IN THE OCTOBER 18, 2013 WOOD ISLAND LIFE SAVING STATION REPAIR AGREEMENT ARE COMPLETED, SECONDED BY COUNCILOR SPILLER.

Vice Chairperson Denault stated he would not support the motion.

ROLL CALL WAS TAKEN WITH COUNCILOR WHITE, VICE CHAIRPERSON DENAULT, COUNCILOR LEMONT, AND CHAIRPERSON BEERS OPPOSED. MOTION DID NOT CARRY 3/4/0.

Councilor Thomson reminded the public the story of the Trojan horse.

Councilor Spiller expressed no support for the original motion. The letter from the National Parks Service advised not to engage in further meetings and discussion.

ROLL CALL WAS TAKEN WITH COUNCILOR DENNETT, COUNCILOR THOMSON, AND COUNCILOR SPILLER OPPOSED. MOTION CARRIED 4/3/0.

- m. (030316-17) The Kittery Town Council moves to appoint David Wrocklage to the Parks Commission until 12/31/19.

659
660 **A MOTION WAS MADE BY COUNCILOR LEMONT TO APPOINT DAVID**
661 **WROCKLAGE TO THE PARKS COMMISSION UNTIL 12/31/19, SECONDED BY**
662 **VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR.**
663 **MOTION CARRIED 7/0/0.**

664
665 n. (030316-18) The Kittery Town Council moves to appoint Nanci Lovett to the Conservation
666 Commission until 12/31/19.

667
668 **A MOTION WAS MADE BY COUNCILOR WHITE TO APPOINT Nanci LOVETT TO**
669 **THE CONSERVATION COMMISSION UNTIL 12/31/19, SECONDED BY COUNCILOR**
670 **THOMSON. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

671
672 o. (030316-20) The Kittery Town Council moves to schedule a public hearing in accordance
673 with 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts for union
674 increases for salaries/wages and benefits.

675
676 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO SCHEDULE A**
677 **PUBLIC HEARING TO APRIL 11, 2016 IN ACCORDANCE WITH 6.09 (4) OF THE**
678 **KITTERY TOWN CHARTER TO TRANSFER APPROPRIATIONS BETWEEN**
679 **ACCOUNTS FOR UNION INCREASES FOR SALARIES/WAGES AND BENEFITS,**
680 **SECONDED BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 7/0/0.**

681
682 p. (030316-21) The Kittery Town Council moves to sign a Certificate of Settlement in
683 accordance with 36 M.R.S. §763, discharging Nancy Colbert Puff as Tax Collector from further
684 liability or obligation to collect the balance due for the taxable years 2006-2016.

685
686 **A MOTION WAS MADE BY COUNCILOR WHITE TO SIGN A CERTIFICATE OF**
687 **SETTLEMENT IN ACCORDANCE WITH 36 M.R.S. §763, DISCHARGING NANCY**
688 **COLBERT PUFF AS TAX COLLECTOR FROM FURTHER LIABILITY OR**
689 **OBLIGATION TO COLLECT THE BALANCE DUE FOR THE TAXABLE YEARS**
690 **2006-2016, SECONDED BY VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN**
691 **WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

692
693 q. (030316-22) The Kittery Town Council moves to re-commit the 2006–2016 taxes to Carol
694 Granfield.

695
696 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO RE-COMMIT THE**
697 **2006–2016 TAXES TO CAROL GRANFIELD, SECONDED BY COUNCILOR**
698 **THOMSON. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

699
700 r. (030316-23) The Kittery Town Council moves to appoint the election clerks for the ensuing
701 two years (May 2016-2018) as nominated by the local Democratic and Republican Committees.

702
703 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT THE ELECTION**
704 **CLERKS FOR THE ENSUING TWO YEARS (MAY 2016-2018) AS NOMINATED BY**
705 **THE DEMOCRATIC AND REPUBLICAN COMMITTEES, SECONDED BY VICE**

CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont raised three issues as follows:

- Legion Pond property abuts the Dineen property. Two residents in the neighborhood requested to beautify the area at their own cost. He asked whether or not to direct the residents to the Town Manager for Town Council action. Chairperson Beers recalled that Eagle Scout candidate worked with Commissioner of Public Works through the Town Manager.
- Portsmouth Prescott Park will reorient the stage to divert the noise and citizens of Kittery are concerned that it will increase the volume of noise.
- There is a sidewalk that abruptly ends and pedestrians have asked Chief of Police the possibility of painting a cross walk. He asked the Town Manager to follow up with the Chief of Police if this is being pursued.

Vice Chairperson Denault provided his response to an e-mail from Ms. Rollins and Ms. Rue regarding the sidewalks on Whipple Road, landscaping, and questions directed to Vice Chairperson Denault.

Vice Chairperson Denault recognized those that have passed:

- Helen Janice Fletcher
- Alfred "Al" Poulin
- Kim Baker Fisher
- John Chick Jr.
- Pauline Brown
- Arthur Andrews
- Viola Wilson
- Joseph Levesque
- Jeffrey Rutherford

Councilor Thomson responded to Councilor Lemont that former Town Manager Puff had at least one meeting with City of Portsmouth officials regarding the repositioning of Prescott Park.

A presentation on the old, one-room Kittery school houses will be held at Traip Academy on April 12, 2016 at 7:00 PM. Former Maine state senator, Stephen Estes, will lead the discussion. Pictures and stories will be shared.

Patrick Dorow Productions Presents: Nonsense beginning Friday, April 8, 2016 at 8:00 PM in the Kittery Community Center STAR Theatre.

The Boston Post Cane selection is in progress and it was noted that Graham Alvord, a seacoast WWII veteran, is turning 100 years old this September.

Councilor Dennett strongly suggested that Town Council not proceed in any fashion with the

Fort Foster passes for school employees unless the ordinance is changed. He felt the Council cannot purposefully violate an ordinance.

St. Mark's Methodist Church is celebrating their 150th year as a congregation on Sunday, April 3, 2016.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

The Council is in possession of the School budget which will be presented by the superintendent of schools on April 11, 2016. They will be looking for a straw vote so that they may entertain new hires.

Councilor Dennett added that there was bill in the legislature that may reduce general education budget. Chairperson Beers added he received the revised legislative distribution which results in a net increase for the Town of Kittery of \$0.07.

b. Committee Reports – None.

16. EXECUTIVE SESSION

17. ADJOURNMENT

IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR WHITE TO ADJOURN THE MEETING AT 9:14 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7/0/0.

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-85-306

TOWN OF KITTERY,

Plaintiff

v.

ORDERS ON PENDING MOTIONS
AND FINDING OF CONTEMPT

JAMES M. DINEEN d/b/a
DINEEN BUS LINES,

Defendant

Brief History

This saga began in 1985, following an earlier case from 1982, with the filing of a complaint for declaratory and injunctive relief. In that complaint the Town alleged that James Dineen, through his business Dineen Bus Lines, was operating an automobile junk yard and maintaining a nuisance by keeping a substantial number of worn out or junked buses and other vehicles on the business premises on Old Post Road. The complaint focused on the activities of the business, which then was located on the "bus line" property at 40 Old Post Road, now 42-44. Since then the street has been renumbered and Mr. Dineen has acquired an abutting property called "Mary's Store" at then 38 now 40 Old Post Road. The Mary's Store property contains a badly dilapidated building and is being used to store unregistered currently inoperable, and not likely to be operable, buses.

The case has been progressed through multiple justices, five or so appeals to the Law Court, the issuance of an injunction, findings of contempt, the payment of heavy

finances, and the appointment of two receivers. There were periods of harmony and progress in bringing the property into compliance, but substantial recent back sliding and resumed procrastination now exists.

Most Recent Decade

In July of 2008 Justice Crowley signed an order by agreement following a view and mediation. In that order Patrick Bedard, Esq. was appointed as the current receiver and was given the authority to inspect the property and report his findings. A temporary stay of 180 days was granted. Due to initial progress the temporary stay has in effect become a multi-year stay of pending motions and proceedings. Among the items that were pending was a motion by the Town to extend the explicit terms of all previous orders, which were limited to the bus lot at 40-42 (now 42-44) Old Post Road to the adjoining Mary's Store lot at 38 Old Post Road (now 40).

Starting in March of 2009 and continuing through March 15, 2016, Attorney Bedard has filed multiple receiver reports. The general thrust of his reports is that Mr. Dineen has gradually become increasingly out of compliance as the number of junk or inoperable buses increased.

After the receipt of the third and fourth reports of the receiver, I held a conference with the parties and issued an order on October 19, 2012 dealing with the non-complying vehicles.

By May of 2015 the Town appears to have exhausted its extensive patience with Mr. Dineen and filed a motion to renew its previously filed pleadings, which had been stayed by Justice Crowley nearly seven years earlier, and to seek court approval of relief requested. That motion seeks to extend the orders dealing with the bus line property at 42-44 Old Post Road to the Mary's Store property at 40 Old Post Road since the business and the junk buses have migrated in part next door.

The Town also brought a separate proceeding seeking to demolish Mary's Store, which has been unoccupied for about 20 years and is in extremely poor shape. The Town has ordered its demolition and Mr. Dineen has appealed that decision in AP-15-40. That case was stayed by separate order as part of an agreement reached with the parties on June 19, 2015. Count I of that case has been briefed and is ready for oral argument.

On June 19, 2015 I again met with the parties to discuss the status of Mr. Dineen's compliance with previous orders, the current issues, which involved a burnt bus and a bread van, the status of the demolition case and the timing of Mr. Dineen's response to the Town's motion to renew previously filed pleadings. After a generally affable and productive conference, I promptly and succinctly put the agreement that was reached into an order. The provisions included the granting of an extension to Mr. Dineen to file his response. The demolition case was allowed to progress more slowly through a stay. However, it was ordered, based on time limits suggested by Mr. Dineen, that, "Once the Town has represented to Mr. Dineen that no fire or police officials object to the removal of the burnt bus, the burnt bus shall be removed within two weeks. Nothing shall be put in its place. Within one week of June 19, 2015, the tenant's bread van shall be removed and nothing put in its place."

Since then Mr. Dineen has filed an untimely motion to vacate the June 19, 2015 order and the Town has filed a motion for contempt dated July 17, 2015. Those motions along with the motion to renew previously filed pleadings were heard at the York District Court on March 25, 2016. A view of the properties was conducted.

Plaintiff's motion to renew previously filed pleadings.

The original complaint in 1985 focused upon the operations of Mr. Dineen's business and his habits of keeping junk or non-operable vehicles and procrastinating.

Little has changed except that the detritus of his business has spread to the adjoining lot. There is now a blue bus on the property that has been off the road since about 2003. There is another bus that has been inoperable for five or six years with a blown engine, and there is a badly burnt beyond repair bus. There are no immediate concrete plans to use, repair, or remove any of the buses. With no hesitation the plaintiff's motion to renew previously filed pleadings and to seek court approval of relief requested is granted. Also see the Law Court decision *Town of Kittery v. Dineen*, 591 A.2d 236 (1991), which states that a properly crafted order could apply to other locations utilized by Mr. Dineen's bus line.

Defendant's motion to vacate order of June 19, 2015

The defendant has argued that this Court had no jurisdiction to order the removal of the burnt bus, or bread van, from Mary's lot as prior orders had applied only to the adjoining property. While it is correct that the orders applied to the bus line lots the case was always about the bus line and Mr. Dineen's use of his properties to store junk and inoperable unregistered vehicles. Additionally, Mr. Dineen agreed to the relief ordered and chose the deadlines imposed by agreement. Given his history of filling any vacuum with more vehicles, the prohibition on putting new vehicles in place of the removed ones was essential and was agreed to. If not agreed to, though I find that it was, it was within the court's power to order.

CONTEMPT MOTION

After June 19, 2015 the Town promptly sent a letter to Mr. Dineen indicating that neither the police nor fire department had any interest in the burnt bus, and that it should be removed. Other than objecting to the court's authority to issue the order Mr. Dineen has made no meaningful effort to remove the burnt bus, which as of March 25, 2016 was still there. His assistant has placed a notice on Craigslist indicating that

the bus was there for removal and made a few phone calls. No one has expressed an interest in buying the bus or removing it for free. I find by clear and convincing evidence that Mr. Dineen had and has failed to remove the bus, and had and has the ability to remove it. He has willfully refused to do it. He does have to move two other buses in order to more readily extract the burnt bus. That is a manageable task that can be readily performed by someone who is inclined to do so. All evidence suggests Mr. Dineen has a functioning bus company with sufficient resources to do the job, but that he is not inclined to spend the money or focus on the task. He is in contempt. The bread van has been removed, but an old but operable vehicle has taken its place. That vehicle, or any other vehicle in its place, shall be removed by April 8, 2016 at noon, and no vehicle shall take its place. That is an easy to accomplish task of starting a vehicle and driving it away. If this provision is not complied with a separate order of incarceration will issue.

Therefore unless the burnt bus is removed in its entirety by noon on June 30, 2016 James Dineen shall report to the York County Jail on July 1, 2016 at noon to serve 14 days. If the bus is removed in its entirety after noon on June 30, 2016, James Dineen shall be freed from any remaining incarceration. In order to facilitate the removal of the burnt bus, James Dineen shall be permitted to move the other two buses onto other portions of his property for a period of not more than 7 days, provided the Town of Kittery is given 48 hours advance notice.

The entries are:

Motion of April 25, 2008 to extend the application of all outstanding orders to 38 Old Post Road (now 40) is granted.

Plaintiff's motion to renew previously filed pleadings and to seek court approval of relief requested is granted.

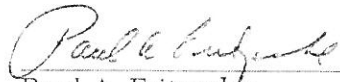
All orders, decisions and judgments previously ordered apply with full force and effect to 40 Old Post Road.

All buses and other vehicles and all vehicle parts and other debris shall be removed from 40 Old Post Road by September 30, 2016 and shall not be relocated, other than the one week exception found in the contempt order, to 42-44 Old Post Road.

The defendant's motion to vacate the order of June 19, 2015 is denied.

The plaintiff's motion for contempt of July 17, 2015 is granted. James Dineen is found in contempt of the June 19, 2015 order, but may purge himself of the contempt by June 30, 2016. Additionally the Town may submit within 10 days its application for attorney's fees and the defendant shall have 10 days thereafter to respond.

Dated: March 31, 2016



Paul A. Fritzsche
Justice, Superior Court, Active Retired

To: Kittery Town Council
From: Allyn Hutton, Superintendent of Schools
Re: FY 17 School Budget/ Updates
Date: April 6, 2016

Since the School Budget packet was provided to you in mid-March, we have received additional information on our health insurance rates, which has resulted in budget modifications.

Background:

Each year, we are required to prepare the school budget based on an estimate and a dollar amount placeholder for health insurance costs. This year, we had estimated a 5% increase, based on our history over the last 8 years. We were notified on April 1 that our actual increase would be 8.8%, which meant we would have a \$79,000 deficit in the budget sent to you earlier.

The Superintendent, Leadership Team, Business Manager and the School Committee met and reviewed the options. At the April 5 School Committee meeting, the issue was discussed and a decision was made to reduce expenses by \$79,000 rather than increase the bottom line expenses for taxpayers. The attached documents reflect this change made by the School Committee.

Results:

As a result, I will be presenting a modified 11-category budget at the meeting on Monday (also attached). It is important to emphasize that the bottom line budget request from the School Committee will not increase. The school budget increase remains at 2.18% with an increase to taxpayers of 2.91%.

If you have any questions or concerns, please feel free to contact me directly at (ahutton@kitteryschools.com or 207-475-1334) prior to the meeting on Mon. April 11.

Thank you.

To: Kittery Town Council
From: Allyn Hutton, Superintendent
Date: April 6, 2016 (Revised)
Re: Kittery School District Budget for FY17

The Kittery School District School Committee and Leadership Team are presenting the attached budget for FY17. It reflects a budget that was developed with a focus on meeting the changing educational needs of students and providing the necessary staff support and training, while maintaining fiscal responsibility for the taxpayers of Kittery.

Accomplishments of the Kittery School District in 2015-16

- *Student supports for learning including, but not limited to:*
 - *Expanded academic supports through the Success Center at Traip and the After School program at Shapleigh*
 - *Enrichment sessions at Traip during mid-year exam week*
 - *Summer programs to support / enrich student learning*
- *Formation of a successful partnership with the organization "Connections for Kids" to provide additional behavioral support for our most challenging students at no cost to the Kittery School District*
- *Piloting the new PE-PG (teacher/principal evaluation) plan*
- *Relationship with the Museum of Science in Boston to bring an applied design unit (engineering) into each science classroom Grades 1-8*
- *Odyssey of the Mind teams at all three schools*
- *Successful piloting of the new proficiency based grading system, Jump Rope in grades 4, 8, 9, and 10*
- *Grants received from Traip Trustees, Kittery Block Party, MELMAC, Rosamond-Thaxter Foundation, Pratt and Whitney, Fuel Up to Play, Fabulous Find, Robotics Institute of Maine, FIRST Robotics and the Kittery PTA totaling over \$60,000 to support classroom / co-curricular projects to enhance student learning*
- *Nellie Mae grant of \$10,000 to support community engagement work*
 - *Community engagement activities including viewing of Most Likely to Succeed*
 - *Sharing, analysis and planning related to the MIYHS data*
 - *Hosting a community dinner sponsored by the Kittery Youth Committee to engage community members in conversation about issues relevant to today's use (mental health; substance use and awareness; wellness; school and community culture and climate)*
 - *Connecting with Student Voice to understand the student perspective*
- *Summer feeding program at KCC to support young people in the community*
- *Collaboration with the Town of Kittery to broadcast school events on Channel 22*
- *Facility upgrades to improve energy efficiency and operations*

While there have been and will continue to be many successes due to the commitment of an outstanding staff, the KSD also faces challenges ahead:

- Addressing the ever-growing needs of special education students which remain under-funded by both state or federal dollars
- Implementing a model of proficiency-based education (K-12) with the necessary supports and enrichment opportunities for all students to succeed
- Working collaboratively with others in the community to recognize and address the mental health challenges facing families
- Fully implementing the evaluation system which supports and ensures a quality educator in every classroom
- Providing time / resources for staff to plan/ implement new initiatives successfully in all schools
- Supporting a school nutrition program committed to serving high quality, nutritious food at a reasonable cost

Kittery School District Reductions / Reallocations for FY17

Each year, the Leadership Team reviews all components of the budget including an analysis of staffing needs and programs. Every effort is made to adjust current programming and re-allocate funds whenever possible to ensure that our resources are being invested wisely and programs are being implemented effectively. This year the following recommendations are included in the FY 17 budget provided:

- **New Boiler at Mitchell School**
 - Results in a decrease in the cost of heating oil / higher efficiency LP Gas boilers
- **Contracted services**
 - By training in-house staff for the instruction in Occupational Therapy and Reading instruction, contracted employees costs can be reduced.
- **Debt reduction**
 - Reduction in a debt payment for the 1995 state supported Shapleigh Bond
- **Misc. discretionary expenses**
 - Careful review of all discretionary spending and tightening up lines where funds have not been spent historically

Kittery School District / Analysis of Fixed Costs

• Salaries for teachers and support staff	\$338,894
○ Contractual increases/ including one additional work day	
• Employee Benefits	\$53,900
○ FICA / MPERS/ WC	
• Health / Dental Increases	\$195,500
○ 8.8% / 3% respectively	
• Transportation contract	\$12,800
○ Includes one additional student day	
TOTAL	\$601,094 (+3.7%)

New and/or Expanded Programs for FY17

Each year, the Leadership Team is asked to submit new proposals for staffing needs and program supports. Input is also solicited from staff and members of the community as we look ahead to the 2016-17 school year. This information is reviewed and prioritized by the team and consensus is reached before submitting the requests to the School Committee. The recommended additions to the FY17 school budget include the following (explained in detail under the article # in the following section)

- *Assistant Principal*
- *Grade 4 Classroom teacher*
- *Great Schools Partnership Coach*
- *New Mathematics Curriculum (Grades 6-8)*
- *Reading Teacher*
- *Orton-Gillingham Reading Training*
- *Music/ Chorus Teacher*
- *Ed Tech III (Mitchell School)*
- *Pathways to Success program*
- *AmeriCorps VISTA Volunteer*
- *Lacrosse Program*
- *Professional Development Resources*
- *Purchasing / Inventory Staffing needs*
- *Support for the School Nutrition Program*

Kittery School Department FY 17 Budget/ REVISED

11 Category Amounts / Explanations / % of total budget

Article #1- Regular Instruction - \$6,355,922 39.2%

Includes all regular education teacher and educational technician salaries, benefits, substitutes, instructional supplies, professional development, instructional equipment, and support for English language learners (ELL) and gifted/talented (G/T) education.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Additional Classroom Teacher for Grade 4 (\$69,900)**
 - For the last two years, we have “managed” with four teachers at this grade level. However, with an expanding student population at this grade level and with increasing students’ needs, an additional teacher is needed at this time.
- **New Math Curriculum materials / Grades 6-8 (\$8,000)**
 - The Connected Math Program, currently being used at grades 6-8, has not resulted in the increased student performance we had hoped. The Curriculum Director and teachers have been investigating other math programs and researching what is used in other districts. Based on that research a new program will be introduced in 2016-17, which will include staff training for the successful implementation.
- **Music/Chorus teacher @ Shapleigh and Traip (\$69,900)**
 - The music/chorus position will provide additional staffing at Shapleigh School and Traip Academy. The current band / instrumental program is very successful, but current staffing has limited time / expertise for classroom music / chorus instruction. This position is needed to continue to build on the success of the music / band / choral program at both schools.
- **Ed Tech III @ Mitchell School /50% FTE (\$23,600)**
 - This position is needed to support both students and staff in the Computer Technology lab at Mitchell School. As students are expected to complete on-line state assessments and use technology as a tool for learning, we need to be sure both students and staff members are provided the skills and training to use technology as a tool to support student learning.
- **Pathways to Success (\$3,600)**
 - Traip Academy is partnering with YCCC to provide this program to ensure that high school seniors are ready for success in mathematics at the college level. The program is predominantly funded through the American Honda Foundation, but funds are needed to purchase books for students to participate.

Article #2- Special Education – \$3,346,983

20.7%

Includes all special education teacher and educational technician salaries, benefits, substitutes, instructional supplies, professional development and instructional equipment, occupational/physical therapy, speech and language, psychological services, tuition for out of district placements, summer school costs and salaries/benefits for the special education director and office staff.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Reading Instructor (\$69,900)**
 - A certified special educator with specific training in reading is needed to support students at Shapleigh School and Traip Academy. We have invested significant resources in supporting reading at the early grades, but students with disabilities still need additional support and instruction in grades 6-12.
- **Orton-Gillingham Reading training (\$7,700)**
 - This 45 hour training experience will be provided to three special education staff members. The training will allow them to provide the multi sensory reading, writing and spelling instruction needed by students at Shapleigh and Traip.

Article #3- Career and Technical Education - \$5,826

<1.0%

Includes the Kittery share of capital improvement funds for the Sanford Regional Technical Center. Based on the # of students attending each year.

Article #4- Other Instruction- \$319,082

2.0%

Includes co-curricular and extracurricular salaries, supplies and equipment, transportation and officials' fees.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Lacrosse Program @ Traip Academy (\$4,500)**

The game of lacrosse is one of the fastest growing interscholastic sports in the state. This funding would introduce the sport at the high school level with a Junior Varsity club sport, with plans to expand to the Varsity level in the future, based on student interest and participation numbers.

Article #5- Student and Staff Support- \$1,624,710 **10.0%**

Includes guidance, nurse and library salaries, supplies and equipment. Also includes Curriculum Director salary and instruction-related technology expenses.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Great Schools Partnership Coach (\$ 27,000)**
 - The Great Schools Partnership is an organization based in Portland, Maine that is designed to assist school systems with district-based initiatives. This organization is in the forefront of leading school systems in implementing proficiency-based learning. The coach will support administration and staff as we transition to the PBL model.
- **AmeriCorps VISTA Volunteer (\$6,200)**
 - We plan to have a volunteer during the 2016-17 school year. The program is designed to fight poverty in communities and plans to work with students to increase college-going and persistence rates and expand our service learning opportunities within the community.

Article #6- System Administration- \$565,115 **3.5%**

Includes school committee expenses, superintendent and administrative assistant salary/benefits, business office staff salary / benefits, supplies, equipment, legal services, postage, copier lease, advertising costs and MUNIS software expenses.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Increased time for Purchasing/ Inventory needs - District (\$11,000)**
 - It has been recognized that we currently do not have an accurate up to date tracking system to inventory all instructional equipment as it is purchased across the district. This responsibility must be added to a position at Central office, resulting in an increase in hours worked.

Article #7- School Administration- \$1,095,618 **6.8%**

Includes building administrator salaries / benefits, clerical staff salaries and benefits, postage, printing, copier costs, teacher leader stipends, office supplies, accreditation expenses, and dues / fees.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Assistant Principal (K-8)(\$97,400)**
 - This year with an Asst Principal shared by Mitchell and Shapleigh, we have seen the benefits of an additional administrator to support both the PBL and the PE-PG work in the buildings. Also, the increased support required to address the social / emotional / behavioral needs of students is clearly evident in both schools. In order to support this critically important work in BOTH buildings, we are requesting a full time Assistant Principal. This will result in two FTE administrators in each of the three buildings.

Article #8- Transportation and Buses- \$572,920 **3.5%**

Includes K-12 transportation costs per contracted services, bus monitor salary and additional purchased services for transporting students out of the school district, as needed.

Article #9- Facilities - \$1,405,765 **8.7%**

Includes custodial salaries / benefits, director's salary/benefits, supplies, equipment, purchased maintenance services, principal / interest payments on Traip HVAC project, heating, water, sewer and electrical costs for all three schools and Memorial Field.

Article #10- Debt Service - \$825,703 **5.1%**

Includes the local share of the Mitchell project (2002-2023), the Mitchell/Shapleigh additions (2010-2032) and the CIP Bond approved by taxpayers in June 2015.

Article #11- Food Service Transfer- \$80,200 **.5%**

Includes the amount transferred to the food service program to support the nutritional program in all three schools.

NEW / EXPANDED PROGRAM REQUESTS INCLUDED IN THIS ARTICLE:

- **Increased support for the School Nutrition Program (\$10,200)**
 - Over the last three years, we have seen dramatic improvements in the nutritional offerings provided through the School Nutrition program. More fresh fruits and vegetables and less processed food offerings have resulted in increased costs. As a school system, we continue to value providing healthy breakfast/lunch offerings and feel the subsidy provided to the SNP is a good investment; since students who are not properly nourished cannot learn well in the classroom.

The Bottom Line

*The FY17 budget is presented in the 11 Article Budget format required by the Maine Department of Education. As presented, the KSD FY17 school budget represents a **2.18% increase in expenses** over FY16 and a **2.91% increase** from the Town of Kittery.*

Kittery School Department

Overview / Historical Reflections

As of Sept. 1, 2015 the Kittery School Department had a current enrollment of 1070 students in grades K-12. Over the last six years, as other school systems across York County and the State of Maine have seen a decrease in enrollment, we have experienced a 10% increase in our student population. In Sept. 2009, we had an enrollment of 968 and predictions were that the number would continue to decrease. As shown by the enrollment data, those projections were inaccurate.

Over that same period of time (2009-2015), we have also experienced an increased number of students coming to school with much higher needs for support (academic, social and emotional) than in the past. To support these children, in the least restrictive environment, we have created new programs and added trained staff. Over the same time period from 2009 to the present, we have shown a net increase of 10 staff members, representing a 5% increase in staffing.

Over the last six years, we have worked diligently to present a school budget that addresses the ever growing needs of the students, but re-allocates funding whenever possible. This is best demonstrated by the school budget increases over time. The increases in funding requested from the town of Kittery have ranged from 0%-2.4% each year. This has been the result of cuts made in other areas and re-allocation of resources. The increases requested each year have never been at a level to support even our fixed costs (salaries, benefits and transportation) without cuts in other areas.

This year, the budget presented reflects a reasonable increase of 2.18% in expenses resulting in a 2.91 % increase from taxpayers. We are asking for your support as we plan for the future of our students' educational needs.

To: Kittery Town Council

From: Superintendent Allyn Hutton

Re: Shift in \$400,000 of Special Education funding

Date: March 17, 2016

As we discussed earlier this year, there is a need to shift some funding lines for the Kittery School Department.

Several years ago, a Special Education Reserve account was established for unanticipated expenses (out of district tuition, tutoring, transportation, etc.) This fund was established and these funds were ONLY used when unanticipated situations arose.

We recently learned that the Dept of Education does NOT allocate funds for Special Education if the dollars do not come out of the operating budget. As a minimum receiver, the only state subsidy we receive is 30% of qualifying Special Education costs. Therefore, we could lose state subsidy for qualified costs paid out of the reserve account.

Based on advice from Attorney Bill Stockmeyer, we are creating a budget line in the Special Education operating costs to be used only to cover these unanticipated costs. This year we are transferring in \$400,000 from the reserve account to establish this line in the budget.

As a result, we are showing a \$400,000 increase in Special Education expenses, but are off setting this by a transfer in of \$400,000 in revenue for FY17. The final result is no change to the bottom line for the taxpayers and Town of Kittery for this adjustment.

WITHOUT SPECIAL EDUCATION CONTINGENCY						
Description	Sum of FY17 Rounded	FY16 BUDGET	FY17 Amt +/-	FY17 % of Budget	FY17 % Inc	
01-REGULAR INSTRUCTION	\$ 6,355,921.75	\$ 6,145,815.14	\$ 210,106.61	40.23%	3.42%	
02-SPECIAL INSTRUCTION	\$ 2,946,983.12	\$ 2,751,900.52	\$ 195,082.60	18.65%	7.09%	
03-CTE (VOC)	\$ 5,826.00	\$ 6,380.00	\$ (554.00)	0.04%	-8.68%	
04-OTHER INSTRUCTION	\$ 319,081.65	\$ 314,852.53	\$ 4,229.12	2.02%	1.34%	
05-STUDENT & STAFF SUPPORT	\$ 1,624,709.67	\$ 1,597,277.15	\$ 27,432.52	10.28%	1.72%	
06-SYSTEM ADMINISTRATION	\$ 565,114.76	\$ 520,657.58	\$ 44,457.18	3.58%	8.54%	
07-SCHOOL ADMINISTRATION	\$ 1,095,618.23	\$ 968,912.63	\$ 126,705.60	6.94%	13.08%	
08-TRANSPORTATION	\$ 572,919.60	\$ 540,373.20	\$ 32,546.40	3.63%	6.02%	
09-FACILITIES	\$ 1,405,765.07	\$ 1,456,822.47	\$ (51,057.40)	8.90%	-3.50%	
10-DEBT	\$ 825,703.06	\$ 1,088,367.51	\$ (262,664.45)	5.23%	-24.13%	
11-SCHOOL LUNCH/OTHER	\$ 80,200.00	\$ 70,000.00	\$ 10,200.00	0.51%	14.57%	
Grand Total	\$ 15,797,842.91	\$ 15,461,358.73	\$ 336,484.18	100.00%	2.18%	

WITH SPECIAL EDUCATION CONTINGENCY OF: \$ 400,000.00						
Description	FY17 BUDGET	FY16 BUDGET	FY17 Amt +/-	FY17 % of Budget	FY17 % Inc	
01-REGULAR INSTRUCTION	\$ 6,355,921.75	\$ 6,145,815.14	\$ 210,106.61	39.24%	3.42%	
02-SPECIAL INSTRUCTION	\$ 3,346,983.12	\$ 2,751,900.52	\$ 595,082.60	20.66%	21.62%	
03-CTE (VOC)	\$ 5,826.00	\$ 6,380.00	\$ (554.00)	0.04%	-8.68%	
04-OTHER INSTRUCTION	\$ 319,081.65	\$ 314,852.53	\$ 4,229.12	1.97%	1.34%	
05-STUDENT & STAFF SUPPORT	\$ 1,624,709.67	\$ 1,597,277.15	\$ 27,432.52	10.03%	1.72%	
06-SYSTEM ADMINISTRATION	\$ 565,114.76	\$ 520,657.58	\$ 44,457.18	3.49%	8.54%	
07-SCHOOL ADMINISTRATION	\$ 1,095,618.23	\$ 968,912.63	\$ 126,705.60	6.76%	13.08%	
08-TRANSPORTATION	\$ 572,919.60	\$ 540,373.20	\$ 32,546.40	3.54%	6.02%	
09-FACILITIES	\$ 1,405,765.07	\$ 1,456,822.47	\$ (51,057.40)	8.68%	-3.50%	
10-DEBT	\$ 825,703.06	\$ 1,088,367.51	\$ (262,664.45)	5.10%	-24.13%	
11-SCHOOL LUNCH/OTHER	\$ 80,200.00	\$ 70,000.00	\$ 10,200.00	0.50%	14.57%	
Grand Total	\$ 16,197,842.91	\$ 15,461,358.73	\$ 736,484.18	100.00%	4.76%	

WITHOUT SPECIAL EDUCATION CONTINGENCY				
DESCRIPTION	FY17	FY16	FY17 +/-	FY17 % of Budget % Change
CO/XTRA Curricular Income K-8	\$ 12,000.00	\$ 10,000.00	\$ 2,000.00	0.08% 20.00%
CO/XTRA Curricular Income 9-12	\$ 13,000.00	\$ 11,000.00	\$ 2,000.00	0.08% 18.18%
Rental of Property	\$ 4,500.00	\$ 3,840.00	\$ 660.00	0.03% 17.19%
Misc Sales & Refunds	\$ 1,000.00	\$ 1,160.00	\$ (160.00)	0.01% -13.79%
State Subsidy	\$ 702,461.70	\$ 686,861.74	\$ 15,599.96	4.45% 2.27%
MaineCare	\$ 25,000.00	\$ 30,000.00	\$ (5,000.00)	0.16% -16.67%
Impact Aid	\$ 250,000.00	\$ 200,000.00	\$ 50,000.00	1.58% 25.00%
Transfer from Other Funds	\$ 11,095.15	\$ 23,922.97	\$ (12,827.82)	0.07% -53.62%
Balance Forward	\$ 315,748.00	\$ 440,000.00	\$ (124,252.00)	2.00% -28.24%
\$ from Taxpayers	\$ 14,463,038.06	\$ 14,054,574.02	\$ 408,464.04	91.55% 2.91%
TOTALS	\$ 15,797,842.91	\$ 15,461,358.73	\$ 336,484.18	100.00% 2.18%

WITH SPECIAL EDUCATION CONTINGENCY				
DESCRIPTION	FY17	FY16	FY17 +/-	FY17 % of Budget % Change
CO/XTRA Curricular Income K-8	\$ 12,000.00	\$ 10,000.00	\$ 2,000.00	0.07% 20.00%
CO/XTRA Curricular Income 9-12	\$ 13,000.00	\$ 11,000.00	\$ 2,000.00	0.08% 18.18%
Rental of Property	\$ 4,500.00	\$ 3,840.00	\$ 660.00	0.03% 17.19%
Misc Sales & Refunds	\$ 1,000.00	\$ 1,160.00	\$ (160.00)	0.01% -13.79%
State Subsidy	\$ 702,461.70	\$ 686,861.74	\$ 15,599.96	4.34% 2.27%
MaineCare	\$ 25,000.00	\$ 30,000.00	\$ (5,000.00)	0.15% -16.67%
Impact Aid	\$ 250,000.00	\$ 200,000.00	\$ 50,000.00	1.54% 25.00%
Transfer from Other Funds	\$ 411,095.15	\$ 23,922.97	\$ 387,172.18	2.54% 1618.41%
Balance Forward	\$ 315,748.00	\$ 440,000.00	\$ (124,252.00)	1.95% -28.24%
\$ from Taxpayers	\$ 14,463,038.06	\$ 14,054,574.02	\$ 408,464.04	89.29% 2.91%
TOTALS	\$ 16,197,842.91	\$ 15,461,358.73	\$ 736,484.18	100.00% 4.76%

Request: Funding for the expansion of the College and Career Advisor's hours

Rationale:

This position has become critical to the work required of adult education programs by their state and federal funders.

Supporting Facts:

1. To be considered an Adult Education program in the State of Maine, a program must offer at least three of the following programs:

- Basic Literacy instruction or instruction in English as a Second Language
- High School completion courses
- College Transition courses
- Enrichment courses
- Adult workforce training and retraining
- Adult career and technical education

With the exception of enrichment courses, each program requires the services of an individual trained and knowledgeable in college and career pathways.

2. In the state of Maine, each adult education program receiving State subsidy, College Transitions grants or grants funded under the Adult Education and Family Literacy Act as part of the Work Force Investment Act has prepared a Career Pathways Plan.

Career pathways are linked education and training services that enable students to advance over time to successively higher levels of education and employment in a given industry or occupational sector. The career pathways approach is a framework for weaving together adult education, training and post-secondary programs, and connecting those services to the workforce needs of employers. This plan ensures that programs meet the requirements of LD 1780.

3. With the passage of WIOA (Workforce Innovation and Opportunities Act) at the federal level, the emphasis on connecting adult education students to work, career and postsecondary educational opportunities increased dramatically. The chart below indicates the three primary activities which have been added.

Integrated Education & Training	Workforce Preparation Activities	Integrated English & Civics Education
Aims to provide adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training <ul style="list-style-type: none">• Targets training in occupations or clusters that assist adults in their educational and career advancement	Activities, programs or services to help individuals gain basic academic, critical thinking, digital literacy, and self-management skills <ul style="list-style-type: none">• Includes competencies in utilizing resources and using information, and acquiring other skills necessary for successful transition into postsecondary education, training or employment	Provides instruction in literacy and English language acquisition, the rights and responsibilities of citizenship and civic participation, and workforce training <ul style="list-style-type: none">• Focuses program design and goals on integrated education and training activities and coordination with local workforce system

Line	Workforce Training	FY 16 Budget	FY17 Budget	FY17 VS FY16	Explanation
1	Salaries - Professionals	\$5,850.00	\$1,300.00	(\$4,550.00)	Workforce Training/Exploration Teacher
2	Salaries - Reg EEs	\$0.00	\$7,000.00	\$7,000.00	Career and College Advisor: new and redistributed funds
3	FICA - Professionals	\$447.53	\$18.85	(\$428.68)	
4	Retirement - Professionals	\$877.50	\$43.68	(\$833.82)	
5	FICA - Reg EEs	\$0.00	\$535.50	\$535.50	
6	Work Comp - Professionals	\$32.18	\$7.15	(\$25.03)	
7	Work Comp - Reg EEs	\$0.00	\$38.50	\$38.50	
8	Supplies - Instructional	\$200.00	\$100.00	(\$100.00)	
9	Books - Workforce	\$180.18	\$100.00	(\$80.18)	
10	TOTAL	\$7,587.39	\$9,143.68	\$1,556.29	
11					
12	High School Completion	FY 16 Budget	FY17 Budget		
13	Salaries - Professionals	\$7,344.00	\$7,920.00	\$576.00	Academic Classes
14	Salaries - Reg EEs	\$0.00	\$4,000.00	\$4,000.00	\$4,000 for Career and College Advisor
15	FICA - Professionals	\$260.00	\$114.84	(\$145.16)	
16	Retirement - Professionals	\$195.00	\$266.11	\$71.11	
17	FICA - Reg EEs	\$0.00	\$306.00	\$306.00	
18	Work Comp - Professionals	\$40.00	\$43.56	\$3.56	
19	Work Comp - Reg EEs	\$0.00	\$22.00	\$22.00	
20	TOTAL	\$7,839.00	\$12,672.51	\$4,833.51	
21					
22	Local Literacy	FY 16 Budget	FY17 Budget		
23	Salaries - Professionals	\$0.00	\$1,000.00	\$1,000.00	Literacy Volunteer Trainer - we are increasing our use of Literacy Volunteers to support learner efforts. We currently have 6 volunteers tutoring 10 students in ESL, mathematics, science, and HiSET.
24	FICA - Professionals	\$0.00	\$14.50	\$14.50	
25	Retirement - Professionals	\$0.00	\$33.60	\$33.60	
26	Work Comp - Professionals	\$0.00	\$5.50	\$5.50	
27	TOTAL	\$0.00	\$1,053.60	\$1,053.60	

28					
29	Administration	FY 16 Budget	FY17 Budget		
30	Asst. Director Salaries	\$47,517.50	\$48,467.85	\$950.35	Only FT position
31	Salaries-Reg EES	\$5,512.50	\$5,512.50	\$0.00	Evening Clerk: .15 FTE
32	(Assist) Director Health Benefit	\$7,338.48	\$7,705.40	\$366.92	
33	FICA - Admin	\$733.39	\$702.78	(\$30.61)	
34	FICA - Clerical	\$0.00		\$0.00	
35	FICA - Reg Ees	\$421.71	\$421.71	\$0.00	
36	Retirement - Asst Director	\$1,300.00	\$1,628.52	\$328.52	
37	Tuition - Admin	\$1,000.00	\$1,000.00	\$0.00	Certification Requirement
38	Work Comp - Admin	\$261.35	\$269.19	\$7.84	
39	Work Comp - Reg EE	\$0.00	\$0.00	\$0.00	
40	Work Comp - CCAdvisor	\$60.64	\$140.00	\$79.36	
41	EE Train & Develop	\$100.00	\$200.00	\$100.00	
42	Professional Services (UR)	\$35,002.86	\$36,491.18	\$1,488.32	Director: .4 FTE (includes salary, benefits, etc.)
43	Copier Service Agreement	\$165.20	\$165.20	\$0.00	
44	Copier Lease	\$200.00	\$200.00	\$0.00	
45	Postage	\$1,350.00	\$1,350.00	\$0.00	
46	Telephone	\$350.00	\$350.00	\$0.00	
47	Online Software Apps	\$50.00	\$300.00	\$250.00	
48	Advertising	\$250.00	\$250.00	\$0.00	
49	Printing	\$2,332.00	\$2,332.00	\$0.00	
50	Travel - Reg	\$500.00	\$500.00	\$0.00	
51	Travel - Professional Dev	\$546.00	\$550.00	\$4.00	
52	Supplies	\$700.00	\$700.00	\$0.00	
53	Food- Adult Ed Admin	\$100.00	\$200.00	\$100.00	
54	Tech Supplies	\$250.00	\$250.00	\$0.00	

55	Supplies - Graduation		\$225.00	\$225.00	\$0.00	
56	Equipment >\$5K		\$0.00	\$0.00	\$0.00	
57	Equipment <\$5K		\$1,078.00	\$1,000.00	(\$78.00)	
58	Equipment <\$5K		\$525.00	\$2,000.00	\$1,475.00	Computer Replacement
59	Dues and Fees		\$1,084.00	\$2,500.00	\$1,416.00	Increased Costs related to Online Portal used 62% of enrollments
60						
61		TOTAL	\$108,953.63	\$115,411.33	\$6,457.70	
62						
63						
64	UNEMPLOYMENT-ADULT ED	FY 16 Budget	FY17 Budget			
65	UNEMPLOYMENT-ADULT ED	\$0.00		(\$1,831.74)		
66		\$0.00	\$0.00			
67						
68						
69	Enrichment	FY 16 Budget	FY17 Budget			
70	Salaries - Enrichment	\$13,000.00	\$6,000.00	(\$7,000.00)		Enrichment courses must 'break even' or raise revenue so all costs are recovered. Changes are due to 'right sizing' based on historical cost figures.
71	FICA - Professionals	\$0.00	\$0.00	\$0.00		
72	FICA - Enrichment	\$300.00	\$459.00	\$159.00		
73	Retirement - Enrichment	\$0.00	\$0.00	\$0.00		
74	Work Comp - Enrichment	\$71.50	\$33.00	(\$38.50)		
75	PROF SERVICES-ADULT ED ENRICH	\$0.00	\$14,000.00	\$14,000.00		
76	FUND TRANSFER OUT-AE ENRICHMNT			\$0.00		
77	TOTAL	\$13,371.50	\$20,492.00			
78						
79	EXPENSE TOTALS	\$137,751.52	\$158,773.13			
80						
81						

82	REVENUES				
83	State Subsidy	\$30,096.01	\$36,670.13	\$6,574.12	
84	Carry Forward - Adult Ed	\$22,943.55	\$15,000.00	(\$7,943.55)	Estimated amount based on historical information
85	Enrichment Fees	\$33,000.00	\$33,000.00	\$0.00	
86	Local Funds	\$69,835.09	\$73,103.00	\$3,267.91	Total request of funds from local community
87	Donations from Private Sources	\$1,000.00	\$1,000.00	\$0.00	
88	REVENUE TOTALS	\$156,874.65	\$158,773.13	\$1,898.48	

Programming currently offered by KAE

Academics:

- Adult Basic/Adult Secondary Education Skill Building
- Literacy Volunteer Tutoring
- Life-Long Learning Certificate
- Adult Education High School Diploma
- HiSET (High School Equivalency Testing)
- Maine College Transitions
- ACCUPLACER testing
- College Preparation Courses (ex. Biology, Chemistry, Mathematics)
- Career and College Advising
- Exam Proctoring
- Credit Recovery (Traip Students Only)
- ESL Levels I & II
- Preparation for Citizenship

Enrichment/Activities:

- Issues related to Aging (ex. Medicare, Dementia)
- Vocational Development
- Wellness and Movement
- Nutrition/Cooking
- Crafts/Art
- Gardening and Foraging
- Foreign Languages
- Computers
- High Interest Topics (ex. Gulf of Maine Series)
- Shipyard Tour
- ETC!

• Community Support Efforts include:

- Fall 2015 Farmer's Market Community Program
- Annual Community Supper at Robert's Maine Grill to raise scholarship monies
- *Free Classes:* Medicare, Hospice, Earth Science Series
- Free College and Career Advising to all community members through a Maine College Transitions Grant

FY 17 Budget Highlights

Significant Decreases:

- Workforce Training Professionals

Significant Increases:

- Salary/Benefit Costs
- Literacy Salary and Benefits
- Computer Replacement Funds
- Due and Fees
- College and Career Advisor (.18 FTE)

Initiatives and Highlights

Staffing

- Administrative staff numbers have been reduced at KAE by .73 positions (from 2.35 to 1.62 positions) since 2008
- Since 2013, the Director's position has been split (60/40) with Marshwood Adult Education
- Current local funding is requested for the following positions (Total FTE 2.05):
 - Director: .4 FTE
 - Assistant Director: 1 FTE
 - Evening Clerk: .15 FTE
 - Career and College Advisor: .18 FTE
 - Academic, Workforce and Local Literacy Teachers: .26 FTE

Classes

- Kittery and Marshwood Adult Education students are allowed to take courses at either location
 - Different courses are offered at each site increasing availability, content levels, course variety, and completion rates

Operations:

- The Kittery and Marshwood Adult Education programs issue a single brochure, which has controlled costs and increased our advertising range.

Over the past ten years, Kittery Community Education has received \$592,501 in local funding from Kittery residents. During that same time we have used those funds to...

- Bring in \$318,761 in adult education state subsidy funds for the KAE budget
- Raise over \$150,000 in enrichment funds to support Adult Education
- Graduate 59 diploma and 110 High School Equivalency students
- Grant credit recovery credits to 14 High School Students
- Process 12,000+ life-long learning course enrollments for community members
- Teach people to read, improve their workplace skills and find jobs.



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: April 11, 2016
From: Norman Albert, Commissioner of Public Works
Laura Diemer, FB Environmental Associates
Subject: 2016 Spruce Creek Sampling Proposal
Councilor Sponsor: [Click here to enter text.](#)

EXECUTIVE SUMMARY

The Department of Public Works is requesting Town Council to fund the attached scope of work (\$15,735) as well as an alternative procurement approval to select FB Environmental Associates (FBE) to complete the proposed sampling project for continued water quality analysis in the Spruce Creek watershed for 2016.

STATEMENT OF NEED

Continuing the annual monitoring program is important to the successful continuation of a water quality assessment and bacteria source tracking study in the Spruce Creek watershed.

BACKGROUND

FB Environmental has partnered with the Town of Kittery and Maine DEP for the last ten years to help assess, monitor, and improve the bacteria-impaired waterbody with the goal of re-opening the shellfish beds which have been closed since July 2005.

FACTS BEARING ON THE EQUATION

FB Environmental is experienced in developing and implementing complex bacteria source tracking, water quality monitoring, and modeling projects. They are a regional leader in developing and implementing large-scale and targeted bacteria source tracking projects and have the staff and equipment necessary to coordinate this type of comprehensive sampling project.

CURRENT SITUATION

The Department of Public Works supports the continuation of a water quality assessment and bacteria source tracking study in the Spruce Creek watershed. The tasks in the scope of work were developed to target areas consistently identified as "hotspots" of bacteria contamination.

PROPOSED SOLUTION/RECOMMENDATION

DPW is requesting Town Council to fund the attached scope of work (\$15,735) as well as an alternative procurement approval to select FBE to complete the proposed sampling project. The scope of work includes 4 tasks:

1. Bracket sampling in Chickering Creek (four sites), Mill Cove/Manson Avenue (one site), and Upper Estuary/Picott Road Stream (three sites).
2. Microbial Source Tracking at three locations in the Upper Estuary/Picott Road Stream drainage area to further pinpoint the source of bacteria by testing for bovine (cow), human, and Canada geese

DNA.

3. Main Channel Analysis to include deployment of two continuous data loggers in the main channel of the creek to determine overall water quality.

4. Reporting

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

While significant discoveries and improvements have been made over the last ten years in the Spruce Creek watershed, there is still more work to be done. Selecting the same consultant and continuing the annual monitoring program will ensure continuity of data and maintain a baseline from which to compare future conditions as restoration work progresses in the watershed. Furthermore, in appreciation of the strong monetary commitment to this monitoring work that the Town of Kittery has made over the last several years, FBE recommends a scope of work for 2016 with a reduced overall budget. All project funds will also count as match for the Maine DEP 319 Spruce Creek Watershed Improvement Project.

Project Budget:

Task 1: \$3,400

Task 2: \$1,559

Task 3: \$8,471

Task 4: \$2,306

Total \$15,735

Memorandum

TO: Maryann Place, Town Clerk
FROM: Cindy L. Saklad, Finance Director
DATE: March 15, 2016
RE: Unencumbered Appropriation Transfer per Charter Section. 6.09 (4)

Section 6.09 (4) of the Town Charter allows for the transfer of all or part of any unencumbered appropriation balance from one department, office or agency to another at any time during the fiscal year or within 60 days (as amended).

The FY15 budget adopted by Council on June 23, 2014 contains an appropriation in the Administration Budget for Salary and Position Adjustments (Account 101110-64031) with a balance of \$29,989 remaining. This amount was budgeted for increases for union and non-union employees' salaries/wages and any benefit linked to salary/wages (retirement and FICA).

The Finance Director requests the Town Council to allow for the transfer of \$18,060 from Account 101110-64031 to the following Police Department Accounts:

TRANSFER FROM:		101110-64031	\$ 18,060.00
TRANSFER TO:			
SCHOOL RESOURCE OFFICER SALARY		101310-64013	\$ 1,199.00
DETECTIVES SALARIES		101310-64014	\$ 2,565.00
PATROLMEN SALARIES		101310-64015	\$ 11,082.00
FICA		101310-64060	\$ 1,136.00
MAINE STATE RETIREMENT		1013410-64050	\$ 2,078.00
		TOTAL	\$ 18,060.00



TOWN OF KITTERY
Code Enforcement Officer
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1308 Fax: (207) 439-6806

April 4, 2016

Carol Granfield, Interim Town Manager

Town of Kittery

Dear Carol,

The Town Council at their meeting of March 28, 2016, requested the CEO review the Special Amusement Application for 31 Badgers Island LLC, with particular attention to parking. My initial visit to the property was on March 9, 2016 and my follow up visit was on March 29, 2016.

In reviewing the property file I found that this property has Planning Board approval for use as a restaurant beginning in May 2004 with the expansion of the dining area approved by the Planning Board in July 2005.

Parking required is 22 spaces. 29 parking spaces which includes 2 handicap spaces are provided.

This is calculated as follows.

$65 \text{ seats} / 3 \text{ seats per space} = 21.66 \text{ or } 22 \text{ spaces.}$

Special Amusement Permits require no additional parking.

It is my determination that the Special Amusement Application of 31 Badgers Island LLC. conforms to all local and state ordinances and regulations.

Regards

Robert Marchi

Code Enforcement Officer

Kittery, Maine



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road
Kittery, Maine 03904
Phone 207-474-1328 Fax 207-439-6806

APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT
(Pursuant to 28-A M.R.S.A. Sec. 1054)

Name, address and legal status of individual(s) or entity seeking to hold permit:

MAINE OCEAN LOBSTER, LLC
301 US RT 1 Kittery, ME 03904

Name and mailing address of the premises where the special activity/amusement will occur:

THE POUETTE
31 BANGORS ISLAND WEST, Kittery, ME 03904

Mailing address and telephone number of owner of the real estate:

31 BANGORS, LLC KERRA BANGORS 207-229-0335

Describe the specific portion of the premises where the special activity/amusement will occur:

ON THE DOCK/DOCK

Set forth the specific time periods between which the special activity/amusement will occur:

Mon-Sunday 7:00 PM - 10:00 PM April-October

Describe the specific activity or type of amusement for which the permit is requested:

1-2 MAN ACOUSTIC BANDS

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? Yes ☐ No ☒

If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

Give any additional information to support your request for the permit sought herein:

1-2 man ACOUSTIC Bands playing For
The Diners.

As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

MANAGER OF 31 BARRING LLC + MANAGER
OF MAINE OCEAN LOBSTER, LLC D/B/A THE FOUNTAIN

NOTE: In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.

DATE OF APPLICATION: 3/10/16

SIGNATURE OF APPLICANT: [Signature]

APPLICANT'S NAME: KAROL F. DRAWS
(please print)

ADDRESS: 301 US RT 1, KITTANY, ME 03904
(please print)

TELEPHONE NUMBER: 207-229-0335

FEE: \$20.00 per year Must be renewed annually with liquor license.

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

KENNETH MYRON BONNELL
3532 S WOODLAWN DR
GREENVILLE, MS 38703

367
61-155/622

4/1/16

DATE

PAY TO THE ORDER OF

Town Of Kittery Finance Office

\$ 20.00

TWENTY

DOLLARS

Security
Features
Details on
Back



CB&S Bank
Greenville, Mississippi

FOR

THRESTER MEMORIAL FUND 5007

Kenneth Myron Bonnell

⑆062201559⑆814078254⑆

0367


**NOTICE OF AMOUNTS ADOPTED AT TOWN COUNCIL MEETING
FOR VOTERS AT SCHOOL BUDGET
VALIDATION REFERENDUM**

TO: Clerk of Town of Kittery, State of Maine

Pursuant to 20-A M.R.S.A. §1486 (2) and 2307 this Notice is to be displayed at all polling places for the school budget validation referendum to be held on June 14, 2016, to assist the voters in voting on whether to ratify the school budget approved at the May 9, 2016 Town Council Meeting.


Cost Center Summary Budget Category	Amount Recommended by School Committee
01-Regular Instruction	\$6,387,856.60
02-Special Instruction	\$3,258,061.78
03-Career & Technical Education	\$5,826.00
04-Other Instruction	\$319,081.65
05-Student & Staff Support	\$1,617,250.53
06-System Administration	\$562,964.04
07-School Administration	\$1,087,563.71
08-Transportation	\$572,919.60
09-Facilities Maintenance	\$1,480,415.94
10-Debt	\$825,703.06
11-All Other Expenditures	\$80,200.00
Summary of Total Authorized General Fund Expenditures	\$16,197,842.91
Amount Approved at the Town Council Meeting on May 9, 2016	

The amount approved for the school budget at the Town Council meeting includes locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.




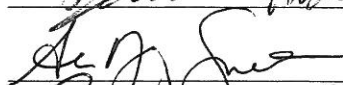
 Kimberly B. Bechard


 Julie O. Oros




A majority of the School Committee









Completed and countersigned by: _____ / ____/2016

A true copy of the Notice, attest: _____, Town Clerk of Kittery

**Articles for
Town Meeting/Secret Ballot Vote
June 14, 2016**

Article 2: Shall the town vote to authorize Town Council to transfer up to \$125,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary into account #2022 Compensated Absences, to maintain a positive fund balance to pay for accrued vacation and /or sick leave to settle any unpaid benefits owed to retiring employees in FY'17?

Town Council Recommends - Vote: Yes No

Explanation: The purpose of this article is to provide funds when and if necessary in FY'17, to pay for accrued benefits owed retiring employees. This article transfers funds from the town's unassigned funds (unencumbered surplus) when a municipal employee retires. The reserve account balance is currently \$3.27. The purpose of this article in FY'17 is to pay only claims during the year to meet the town's liability and to return the reserve fund to a positive balance.

Article 3: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$25,000 from unassigned funds (unencumbered surplus) when necessary and appropriate and expend up to \$25,000 for the purpose of paying the town's cost on accepted insurance claims against the town?

Town Council Recommends - Vote: Yes No

Explanation: The article requests exposing up to \$25,000 from the town's unassigned funds (unencumbered surplus) for use, when necessary, to pay the deductible and other associated costs on insurance claims instead of raising an amount from taxation within the town budget.

Article 4: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$100,000 from unassigned funds (unencumbered surplus) when necessary and appropriate and expend up to \$100,000 for the purpose of providing the town's match to federal, state and non-profit grants?

Town Council Recommends - Vote: Yes No

Explanation: The Town Council expects continued applications to be filed for grants in a variety of areas by different town departments to assist with the operations and capital purchases. These grants, if successful, often require a local match to be raised. The article requests that up to \$100,000 from the town's surplus be transferred by the Town Council for the local match share of grants when received and accepted by the Town Council.

Article 5: Shall the town vote to authorize Town Council to transfer from unassigned funds (unencumbered surplus) an amount not to exceed \$40,000, when necessary and appropriate, and expend said amount to cover shortfalls in the FY'17 town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends - Vote: Yes No

Explanation: The article is a result of the review of individual departments' vehicle and heating fuel accounts and the unstable fuel market pricing. This account would provide departments, who have exhausted their allocated fuel budgets, access to emergency fuel funds. The Town Council favored keeping the FY'17 fuel and utility accounts as low as possible, with the concept of this article exposing surplus funds as a safety net in case the market remains unstable.

Article 6: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$40,000 from unassigned funds (unencumbered surplus) when necessary and appropriate and expend said amount for the purpose of providing the town's General Assistance Program as required by town, state and federal laws in FY'17?

Town Council Recommends - Vote: Yes No

Explanation: The General Assistance Program is budgeted from the town's operational budget each year. The program assists town citizens with welfare type services by following very strict state and federal guidelines for income eligibility within the General Assistance Ordinance. This article proposes to create a method, as in past years, for the Town Council to keep the General Assistance budget at level funding. If the General Assistance costs exceed the budget, this article would allow the Council to transfer an amount up to \$40,000 from surplus to cover the overage.

Article 7: Shall the Town vote to authorize Town Council to transfer an amount not to exceed \$50,000 when necessary from the unassigned funds (unencumbered surplus) and to appropriate and expend said amount at the discretion of the Town Council to pay for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the regular FY'17 operating budget?

Town Council Recommends - Vote: Yes No

Explanation: Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy efficiency projects are being identified to further save the town funds. This Article allows the Town Council the discretion to make emergency facility repairs and undertake energy efficiency projects through the use of up to \$50,000 from the Town's unassigned funds (unencumbered surplus).



4/11

MAR 23 2016

BY:

Kittery Point Fire Association
PO Box 297, Kittery Point, Maine 03905

21 March 2016

Dear Kittery Town Council,

As you may know, each year the Kittery Point Fire Association hosts two ham & bean suppers to benefit many community outreach programs. We are writing to request permission to put out signs and hang an advertising banner across Rogers Road in front of the Kittery Community Center to help spread the word of our event specifically to the Kittery community.

The details of our signs are as follows:

Approximate size: 4' tall by 2' wide

Construction: Vinyl with wood frame

Locations: Rt. 1 at the end of Haley Rd, the traffic circle (on one of the islands, not in the memorial circle) and the corner of Bridge St. and Rt. 1 Bypass.

What it says: Ham & Bean Supper, This Saturday 4-7PM, Kittery Point Fire Station

The details of our banner are as follows:

Approximate size: 4' high by 18' wide

Construction: Heavy duty vinyl

What it says: Ham & Bean Supper, This Saturday 4-7PM, Kittery Point Fire Station

We are requesting to display the banner and signs from April 16th until April 24th, with all duties of putting them up and taking them down to be completed by the fire department.

The proceeds from this event support a variety of firefighter and community support programs that would otherwise not be sustainable. Programs include:

- High School Scholarships
- Fire Safety Education
- Firefighter Dress Uniforms
- Firefighter Family Support Services
- And Much More

Please also do not hesitate to contact the Association President, Craig Alfis, at the email or phone below for more information. Thank you in advance for your support.

Sincerely,

Craig Alfis and The Kittery Fire Association
Email KitteryFireC3@gmail.com
Phone 781-264-2610

Memorandum

TO: Maryann Place, Town Clerk
FROM: Cindy L. Saklad, Finance Director
DATE: April 4, 2016
RE: Unencumbered Appropriation Transfer per Charter Section. 6.09 (4)

Section 6.09 (4) of the Town Charter allows for the transfer by Council of all or a part of any unencumbered appropriation balance from one department, office or agency to another at any time during the fiscal year or within 60 days (as amended).

The FY15 budget adopted by Council on June 23, 2014 contained an appropriation of \$20,000 in the Administration Budget for consulting services associated with filing an appeal to FEMA regarding the revised Flood Insurance Rate Maps (Account 101110-65480 – Other Professional Services). The funds were not expended in FY2015 and approved by motion to carry forward to the FY2016 Budget at their August 24, 2015 meeting.

The funds remain unexpended but are still necessary to resolve future appeals. To ensure the availability of these funds when needed, Finance Director requests the Town Council to approve:

- A transfer of \$20,000 from Account 101110-65480 to the Flood Insurance Rate Maps Appeal account to be established.



Quoted By: Jennifer Barns
Date: 3/17/2016
Quote Expiration: 9/13/2016
Quote Name: Town of Kittery - ERP - SaaS Renewal
Quote Number: 2016-19004
Quote Description: Town of Kittery - ERP - SaaS Renewal

Sales Quotation For

Town of Kittery
200 Rogers Road Ext.P. O. Box 808
Kittery, Maine 03904
Phone (207) 439-0452

SaaS

Description	Annual Fee Net	# Years	Total SaaS Fee	Impl. Days
Financials:				
Accounting/GL/BG/AP	\$6,368.00	3.0	\$19,104.00	0
Fixed Assets	\$2,043.00	3.0	\$6,129.00	0
Project & Grant Accounting	\$1,247.00	3.0	\$3,741.00	0
Purchase Orders	\$1,799.00	3.0	\$5,397.00	0
Requisitions	\$1,124.00	3.0	\$3,372.00	0
Payroll/HR:				
HR Management	\$3,147.00	3.0	\$9,441.00	0
Payroll	\$7,390.00	3.0	\$22,170.00	0
Revenue:				
Accounts Receivable	\$2,065.00	3.0	\$6,195.00	0
CAMA Bridge	\$1,691.00	3.0	\$5,073.00	0
ME Tax Lien	\$2,633.00	3.0	\$7,899.00	0
Tax Billing	\$7,414.00	3.0	\$22,242.00	0
Utility Billing	\$6,550.00	3.0	\$19,650.00	0

Productivity:

Employee Self Service	\$3,339.00	3.0	\$10,017.00	0
MUNIS Crystal Reports	\$2,163.00	3.0	\$6,489.00	0
Munis Office	\$1,248.00	3.0	\$3,744.00	0
Other:				
Concurrent Users (16)	\$16,000.00	3.0	\$48,000.00	0
TOTAL:	\$66,221.00		\$198,663.00	0

Summary

	One Time Fees	Recurring Fees
Total SaaS	\$0.00	\$66,221.00
Total Tyler Software	\$0.00	\$0.00
Total Tyler Services	\$0.00	\$0.00
Total 3rd Party Hardware, Software and Services	\$0.00	\$0.00
Summary Total	\$0.00	\$66,221.00
Contract Total	\$198,663.00	

Unless otherwise indicated in the contract or Amendment thereto, pricing for optional items will be held for Six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: _____ Date: _____

Print Name: _____ P.O. #: _____

All primary values quoted in US Dollars

Comments

Tyler recommends the use of a 128-bit SSL Security Certificate for any Internet Web Applications, such as the MUNIS Web Client and the MUNIS Self Service applications if hosted by the Client. This certificate is required to encrypt the highly sensitive payroll and financial information as it travels across the public internet. There are various vendors who sell SSL Certificates, with all ranges of prices.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

Tyler's cost is based on all of the proposed products and services being obtained from Tyler. Should significant portions of the products or services be deleted, Tyler reserves the right to adjust prices accordingly.

The SaaS fees are based on 16 concurrent users. Should the number of concurrent users be exceeded, Tyler reserves the right to re-negotiate the SaaS fees based upon any resulting changes in the pricing categories.

Client agrees that items in this sales quotation are, upon Client's signature of same, hereby added to the Agreement between the parties, and subject to its terms. Additionally, and notwithstanding anything in the Agreement to the contrary, payment for said items, as applicable, shall conform to the following conditions:

- License fees for Tyler and 3rd Party Software products are due when Tyler makes such software available for download by the Client;
 - Fees for hardware are payable upon delivery;
 - SaaS fees are payable on a quarterly basis, in advance, beginning with the first quarterly payment due pursuant to the Agreement following the date on which the Client signed the sales quotation; and
 - Unless otherwise indicated, fees for services are payable as delivered, and expenses are payable as incurred.
- Billing terms: 5/1/16 - 4/30/19